

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 3, 4, 6, 8, 10-13, 15, and 18 are pending, with Claims 1, 13, 15 and 18 being independent. Claims 2, 9, 14, and 16 have been cancelled without prejudice. Claims 1, 3, 4, 6, 8, 10-13, 15, and 18 have been amended.

Claims 1, 13, 15, 16, and 18 stand rejected under 35 U.S.C. § 112, first paragraph. Applicant has amended those claims to remove the language indicated in the Office Action as giving rise to the rejection.

Furthermore, the independent claims now recite associating at least one track control attribute in an EDL element in a sequence with at least once subsequent EDL element, the track control attribute affecting a behavior of a media item referenced by the at least one subsequent EDL element in the sequence. Applicant submits that such features are supported by the specification at, for example, page 17, lines 7-10, page 19, lines 11-13, and page 13, lines 17-19. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 112.

Claims 1-4, 6, 9-16, and 18 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6, 970,639 (McGrath et al.). Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over McGrath et al. in view of U.S. Patent No. 5,801,685, (Miller et al.). Applicant traverses these rejections.

Independent Claim 1 is directed to a method of generating a media track. As discussed above, Claim 1 now recites associating at least one track control attribute in an EDL element in a sequence with at least one subsequent EDL element, the track control attribute affecting a behavior of a media item referenced by the subsequent EDL element in the sequence. Furthermore, upon the sequence of EDL elements being modified, with the EDL element having

the track control attribute being moved to a new position in the modified sequence, the method also (a) rearranges the media items in the media track in accordance with the modified sequence of the EDL elements, and (b) associates the track control attribute with at least one subsequent EDL element in the modified sequence, the track control attribute affecting the behavior of a media item referenced by the at least one EDL element in the modified sequence.

Independent Claims 13, 15, and 18 recite features generally similar to those discussed above with respect to independent Claim 1.

With this invention, a portion of the media track may be changed without necessitating reassignment of the track control attributes that affect the behavior of other portions of the media track. An example of such an operation is shown in Figure 6 and described in the specification at page 26. Specifically, Figure 6 shows EDL elements Si and Ci. As discussed in the specification, because overlays are dependent upon where clips Ci are positioned relative to clips Si, the track control attributes in Si affect the behavior of the media items.

Applicant submits that McGrath et al. does not describe or suggest the features discussed above and now recited in the independent claims.

The Office Action cites Miller et al. as disclosing that a media track is a graphical overlay. While not conceding this position, Applicant submits that Miller et al. fails to remedy the deficiencies discussed above with respect to McGrath et al.

According, Applicant submits that McGrath et al. and Miller et al., taken alone or in combination, fail to disclose or suggest at least the features of associating at least one track control attribute in an EDL element in the sequence with at least one subsequent EDL element in the sequence, the track control attribute affecting a behavior of a media item referenced by the at least one subsequent EDL element in the sequence, and upon the sequence of the EDL elements

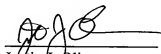
being modified, wherein the EDL element having the track control attribute is moved to a new position in the modified sequence: (a) rearranging the media items in the media track in accordance with the modified sequence of the EDL elements, and (b) associating the track control attribute with the at least one subsequent EDL element in the modified sequence, the track control attribute affecting a behavior of a media item referenced by the at least one subsequent EDL element in the modified sequence. These features are generally recited in each of the independent claims.

Applicant submits that the dependent claims are allowable for the reasons discussed above with respect to the independent claims from which they depend.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Justin J. Oliver
Attorney for Applicant
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
GMJ/jjt/rli

FCHS_WS 3695522v1